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10/804,542	03/19/2004	Marc Ira Lipton	8285/679	7478

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AT & T Legal Department - BHGL
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One AT&T Way
Bedminster, NJ 07921

EXAMINER	
LINDSEY, MATTHEW S	

ART UNIT	PAPER NUMBER
2451	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/804,542	LIPTON, MARC IRA	
	Examiner	Art Unit	
	MATTHEW S. LINDSEY	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-23,25-27,29-31 and 33-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-23, 25-27, 29-31 and 33-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 2-23, 25-27, 29-31 and 33-35 are pending in this application. Claims 20, 22, 25, 27, 29 and 33 are amended as filed on 13 February 2009.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 20-23, 25-27, 29-31 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al. (US 6,301,609 B1) in view of Ogle et al. (US 6,430,604 B1).

4. With respect to claim 20, Aravamudan discloses: "A method comprising: receiving a voice telephone call (Col. 7, lines 1-4, where a user utilizes a CPE to connect to a network, and the CPE may be a wired telephone, screen phone, or wireless cellular phone according to Col. 3, lines 28-35, and as such the communication services platform can receive a phone call);

identifying a user making the voice telephone call (Col 7, lines 21-22, where a users' presence online is detected);

detecting an online status of at least one member of a group associated with the user (Col. 7, lines 21-22, and 26-29, where a pending event can be detecting the status of selected buddies as identified by the user)", and

"communicating the status of the at least one member of the group over the voice telephone call (Col. 7, lines 37-40).

Aravamudan did not explicitly state: "audibly communicating".

However, Ogle disclosed: "audibly communicating (Col. 9, lines 43-51, where a textual message passes through a text to speech transformer and becomes a voice message)".

One of ordinary skill in the art would have been motivated to combine the unified messaging system of Aravamudan with the alternative messaging system of Ogle since they both disclose teachings of delivering messages to users on different devices, which may not use the same method for communication.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the unified messaging system of Aravamudan with the teachings of Ogle to include support for audibly communicating information. Motivation to combine these comes from Ogle where: "This would be the case, for example, where the textual message created by the sender is to be delivered through a non textual mechanism such as a regular phone" (Col. 9, lines 45-47). Therefore, by combining the references, one would be able to receive textual information in a voice mode from a regular phone not capable of receiving textual messages.

5. With respect to claim 25, Aravamudan discloses: “A method comprising: receiving a voice telephone call (Col. 7, lines 1-4, where a user utilizes a CPE to connect to a network, and the CPE may be a wired telephone, screen phone, or wireless cellular phone according to Col. 3, lines 28-35, and as such the communication services platform can receive a phone call);

identifying a user making the voice telephone call (Col 7, lines 21-22, where a users’ presence online is detected);

receiving instructions to detect an online status of at least a first member and a second member associated with the user (Col. 7, lines 21-22, and 26-29, where a pending event can be detecting the status of selected buddies as identified by the user);

detecting the first member of the group is online (Col. 7, line 29, where a first buddy can be online);

detecting the second member of the group is off-line (Col. 7, line 29, where it is conceivable that there will be a situation when out of two users the first will be online and the second will be offline)”, and

“communicating the detected status of the first member and the detected status of the second member over the voice telephone call (Col. 7, lines 37-40)”.

Aravamudan did not explicitly state: “audibly communicating”.

However, Ogle disclosed: “audibly communicating (Col. 9, lines 43-51, where a textual message passes through a text to speech transformer and becomes a voice message)”.

One of ordinary skill in the art would have been motivated to combine the unified messaging system of Aravamudan with the alternative messaging system of Ogle since they both disclose teachings of delivering messages to users on different devices, which may not use the same method for communication.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the unified messaging system of Aravamudan with the teachings of Ogle to include support for audibly communicating information. Motivation to combine these comes from Ogle where: "This would be the case, for example, where the textual message created by the sender is to be delivered through a non textual mechanism such as a regular phone" (Col. 9, lines 45-47). Therefore, by combining the references, one would be able to receive textual information in a voice mode from a regular phone not capable of receiving textual messages.

6. With respect to Claim 29, Aravamudan discloses: "A computer-readable storage medium comprising a set of instructions to direct a processor (Col. 12, lines 9-13) to perform acts of: receiving a voice telephone call (Col. 7, lines 1-4, where a user utilizes a CPE to connect to a network, and the CPE may be a wired telephone, screen phone, or wireless cellular phone according to Col. 3, lines 28-35, and as such the communication services platform can receive a phone call);

identifying a user making the voice telephone call (Col 7, lines 21-22, where a users' presence online is detected);

determining a group of members associated with the user (Col. 7, line 29, specifically "selected buddies as identified by the user");

detecting an online status of at least one member of the group (Col. 7, lines 21-22, and 26-29, where a pending event can be detecting the status of selected buddies as identified by the user)", and

"communicating the status of the at least one member of the group over the voice telephone call (Col. 7, lines 37-40)".

Aravamudan did not explicitly state: "audibly communicating".

However, Ogle disclosed: "audibly communicating (Col. 9, lines 43-51, where a textual message passes through a text to speech transformer and becomes a voice message)".

One of ordinary skill in the art would have been motivated to combine the unified messaging system of Aravamudan with the alternative messaging system of Ogle since they both disclose teachings of delivering messages to users on different devices, which may not use the same method for communication.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the unified messaging system of Aravamudan with the teachings of Ogle to include support for audibly communicating information. Motivation to combine these comes from Ogle where: "This would be the case, for example, where the textual message created by the sender is to be delivered through a non textual mechanism such as a regular phone" (Col. 9, lines 45-47). Therefore, by combining the

references, one would be able to receive textual information in a voice mode from a regular phone not capable of receiving textual messages.

7. With respect to claim 33, Aravamudan discloses: “A method comprising: detecting an online status of a user (Col. 7, lines 21-22, and 26-29, where a pending event can be detecting the status of selected buddies as identified by the user);

determining that a first member of a group associated with the user is off-line (Col. 7, line 29, where it is inherent the status of a first member of the group could be off-line);

storing a notification message of the online status of the user in a storage device (Col. 6, lines 27-29);

receiving a voice telephone call from the first member (Col. 7, lines 1-4, where a user utilizes a CPE to connect to a network, and the CPE may be a wired telephone, screen phone, or wireless cellular phone according to Col. 3, lines 28-35, and as such the communication services platform can receive a phone call)”, and

“communicating the notification message stored in the storage device over the voice telephone call (Col. 7, lines 37-40)”.

Aravamudan did not explicitly state: “audibly communicating”.

However, Ogle disclosed: “audibly communicating (Col. 9, lines 43-51, where a textual message passes through a text to speech transformer and becomes a voice message)”.

One of ordinary skill in the art would have been motivated to combine the unified messaging system of Aravamudan with the alternative messaging system of Ogle since they both disclose teachings of delivering messages to users on different devices, which may not use the same method for communication.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the unified messaging system of Aravamudan with the teachings of Ogle to include support for audibly communicating information. Motivation to combine these comes from Ogle where: "This would be the case, for example, where the textual message created by the sender is to be delivered through a non textual mechanism such as a regular phone" (Col. 9, lines 45-47). Therefore, by combining the references, one would be able to receive textual information in a voice mode from a regular phone not capable of receiving textual messages.

8. With respect to claims 21, 26, 30 and 35, the combination of Aravamudan and Ogle disclosed: "further comprising: receiving a password of the user (Aravamudan, Col. 6, line 39, where a user chooses a password, and it is well known in the art that a username and password can be used to identify a user)".

9. With respect to claims 22 and 27, the combination of Aravamudan and Ogle disclosed: "further comprising: determining the group of members associated with the user (Aravamudan, Col. 7, line 29, where the user identifies selected buddies)".

10. With respect to claims 23 and 31, the combination of Aravamudan and Ogle disclosed: "further comprising: receiving instructions to detect an online status of the at least one member of the group (Aravamudan, Col. 7, line 29, where the pending event is status of selected buddies identified by the user, indicating the system received instructions from the user to perform this event)".

11. With respect to claim 34, the combination of Aravamudan and Ogle disclosed: "The method of Claim 33 further comprising: determining a user-initiated notification option is enabled (Aravamudan, Col. 7, line 27, specifically "as identified by the user")".

Response to Arguments

12. Applicant's arguments filed 13 February 2009 have been fully considered but they are not persuasive.

Applicant argues: "the cited portions of Aravamudan, the information is communicated to the user as part of an instant message over a data call rather than a voice telephone call as recited in claim 20" (pg 5, paragraph 3, lines 8-11).

Examiner respectfully disagrees. Aravamudan disclosed: "The service provider 120 may also provide means for converting recieved data and communication mode and channel, by utilizing gateway 126. The gateway 126 is operable to convert digital bits representing a PSTN connected communication, packetize that data, convert to an

appropriate protocol stack to support routing transmission over a packet network, and then forward the converted packets over the network" (Col. 3, lines 53-60). The information may therefore be received by the system in the form of a voice telephone call.

Applicant further argues that independent claims 25, 29 and 33 contain similar limitations to claim 20 and therefore are allowable for similar reasons. Examiner respectfully disagrees, see above arguments and rejections.

Applicant further argues that dependent claims 21-23, 26-27, 30-31 and 34-35 are allowable because of their dependent nature on independent claims 20, 25, 29 and 33. Examiner respectfully disagrees, see above arguments and rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL
4/14/2009

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451